

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

NORTHWEST ADMINISTRATORS, INC.,

Plaintiff,

vs.

SIMS METAL MANAGEMENT USA GP,  
a Delaware General Partnership,

Defendant.

Case No. 2:18-cv-01327

**DEFENDANT'S ANSWER AND  
AFFIRMATIVE DEFENSES**

Defendant Sims Metal Management USA GP ("Defendant") by way of answer to  
Plaintiff's Complaint to Compel Audit (the "Complaint"), hereby alleges as follows:

1. Answering Paragraphs I - IV, Defendant is without knowledge of the facts stated therein and therefore denies the same.
2. Answering Paragraph V, Defendant admits the allegations contained therein.
3. Answering Paragraph VI, Defendant denies the allegations contained therein and affirmatively states that Sims Group USA Corporation is a party to a collective bargaining agreement with Locals 287 and 853 of the International Brotherhood of Teamsters ("Agreement"), has abided by the terms of that Agreement, and the Agreement speaks for itself.

DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES – 1  
Northwest Administrators, Inc. v. Sims Metal Management USA GP  
Case No. 2:18-cv-01327

JUDD LEES, ESQ.  
SEBRIS BUSTO JAMES  
14205 S.E. 36th Street, Suite 325  
Bellevue, Washington 98006  
Tel: (425) 454-4233 – Fax: (425) 453-9005

BONNIE GLATZER, ESQ.  
NIXON PEABODY LLP  
One Embarcadero Center, Ste. 1800  
San Francisco, CA 94111  
Tel: (415) 984-8333 – Fax: (415) 984-8300

4. Answering Paragraph VII, Defendant denies the allegations contained therein and affirmatively states that Sims Group USA Corporation signed a collective bargaining agreement with Locals 287 and 853 of the International Brotherhood of Teamsters and that the Agreement speaks for itself.

5. Answering Paragraph VIII, Defendant is without knowledge of the facts stated therein and therefore denies the same.

6. Answering Paragraph IX, Defendant denies the allegations contained therein.

**Affirmative Defenses**

1. Plaintiff has failed to state a claim upon which relief can be granted.

2. Plaintiff's claims are barred by the equitable doctrines of waiver, estoppel and laches.

3. Defendant has provided Plaintiff with all requested documents in its possession, custody or control.

**Requested Relief**

Defendant denies that Plaintiff is entitled to the relief requested in Paragraphs 1 – 3 of the Wherefore clause of the Complaint, or to any relief whatsoever, and Defendant requests the following:

1. Dismissal of Plaintiff's claims with prejudice;

2. An award of Defendant's costs and attorneys' fees; and

3. Such other and further relief as the Court may deem appropriate.

//

//

DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES – 2  
Northwest Administrators, Inc. v. Sims Metal Management USA GP  
Case No. 2:18-cv-01327

JUDD LEES, ESQ.  
SEBRIS BUSTO JAMES  
14205 S.E. 36th Street, Suite 325  
Bellevue, Washington 98006  
Tel: (425) 454-4233 – Fax: (425) 453-9005

BONNIE GLATZER, ESQ.  
NIXON PEABODY LLP  
One Embarcadero Center, Ste. 1800  
San Francisco, CA 94111  
Tel: (415) 984-8333 – Fax: (415) 984-8300

1 //

2 //

3 Defendant reserves the right to add additional affirmative and other defenses as they may  
4 become known through discovery.

5 DATED this 16<sup>th</sup> day of November, 2018.

6  
7 SEBRIS BUSTO JAMES

8 /s/ Judd H. Lees

Judd H. Lees, WSBA #10673

14205 SE 36th St., Suite 325

Bellevue, Washington 98006

(425) 454-4233

[jlees@sebrisbusto.com](mailto:jlees@sebrisbusto.com)

12  
13 NIXON PEABODY LLP

14 /s/ Bonnie Glatzer

Bonnie Glatzer

One Embarcadero Center, Ste. 1800

San Francisco, CA 94111

(415) 984-8333

[bglatzer@nixonpeabody.com](mailto:bglatzer@nixonpeabody.com)

17  
18 Attorneys for Defendant

19  
20  
21  
22  
23  
24  
25  
26 DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES – 3  
27 Northwest Administrators, Inc. v. Sims Metal Management USA GP  
28 Case No. 2:18-cv-01327

JUDD LEES, ESQ.  
SEBRIS BUSTO JAMES  
14205 S.E. 36th Street, Suite 325  
Bellevue, Washington 98006  
Tel: (425) 454-4233 – Fax: (425) 453-9005

BONNIE GLATZER, ESQ.  
NIXON PEABODY LLP  
One Embarcadero Center, Ste. 1800  
San Francisco, CA 94111  
Tel: (415) 984-8333 – Fax: (415) 984-8300

**CERTIFICATE OF SERVICE**

I, April L. Jendresen, certify under penalty of perjury under the laws of the United States that, on November 16, 2018, I caused to be served the attached document to the individual listed below in the manner shown next to his name:

Attorneys for Plaintiff:

Russell J. Reid  
Reid, McCarthy, Ballew & Leahy, LLP  
100 West Harrison Street  
North Tower, Suite 300  
Seattle, WA 98119  
[rjr@rmbllaw.com](mailto:rjr@rmbllaw.com)

- ☐ By U.S. Mail  
☐ By Federal Express  
☐ By Facsimile  
☐ By ABC Messenger  
☐ By Electronic Mail  
☒ By ECF E-service

/s/ April L. Jendresen  
April L. Jendresen, Legal Assistant

DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES – 4  
Northwest Administrators, Inc. v. Sims Metal Management USA GP  
Case No. 2:18-cv-01327

JUDD LEES, ESQ.  
SEBRIS BUSTO JAMES  
14205 S.E. 36th Street, Suite 325  
Bellevue, Washington 98006  
Tel: (425) 454-4233 – Fax: (425) 453-9005

BONNIE GLATZER, ESQ.  
NIXON PEABODY LLP  
One Embarcadero Center, Ste. 1800  
San Francisco, CA 94111  
Tel: (415) 984-8333 – Fax: (415) 984-8300